

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by Todd Vargo, Planner I

**SUBJECT:** Resolution  
DG 3-4-03 Heritage Building Plat, 5220 Davie Road/ Generally located on the east side of Davie Road approximately 1500 feet north of Stirling Road.

**AFFECTED DISTRICT:** District 1

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "HERITAGE BUILDING" PLAT, AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on the "Heritage Building" plat **from:**

"This plat was approved for development under the De Minimus exception of Chapter 5, Article IX, of the Broward County Code of Ordinances. Such approval requires that a building permit for a principal building shall be issued on or before the 16<sup>th</sup> day of November, 2002, which date is three years from the date of approval of the plat by the Broward County Board of County Commissioners. In the event no building permit is issued by the above date, the county's finding of adequacy of the regional road network shall expire and no building permit shall be issued.

This plat is restricted to 3,500 square feet of office use on lot 1 and one single family dwelling unit on lot 2."

**To:**

"This plat is restricted to 3,500 square feet of office use on lot 1 and one single family dwelling unit on lot 2."

The applicant is requesting to delete the original Section 2, dealing with the County's De Minimus exception for road concurrency, from the original restrictive note.

This amendment is required due to delays by the Town and the County which hampered the applicant's ability to receive a building permit. Subsequently, the concurrency finding expired on November 16, 2002, the expiration date of the De Minimus exception for road concurrency. On October 17, 2001 Broward County Board of County Commissioners approved ordinance Ord-2001-52, effectively erasing the De Minimus exception from the Broward County Code of Ordinances. The applicant wishes to delete the language concerning the De Minimus exception from the restrictive note on the Heritage Building Plat. By deleting the De Minimus exception language, the petitioner will have until November 16, 2004 to receive a building

permit for a principal building (five years from the date of approval) and will also have to submit to the County for regional road concurrency.

Currently, both the petitioner's plat and site plan have expired. Deleting the De Minimus exception language will reinstate the plat with Broward County. Staff met with the petitioner/owner and she agreed with Staff's assessment that she will need to resubmit the site plan for Town Council's approval.

It is Staff's understanding that Broward County has no objection to the requested amendment.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Plat, Future Land Use Map, Subject Site, Zoning and Aerial Map

**Application #:** DG 3-4-03/Heritage Building  
**Exhibit "A"**

**Revisions:**  
**Original Report Date:** 4/11/2003

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

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<b><u>Owner:</u></b>		<b><u>Agent:</u></b>	
<b>Name:</b>	Cristina Rodriguez	<b>Name:</b>	Cristina Rodriguez
<b>Address:</b>	2109 Nova Village Drive	<b>Address:</b>	2109 Nova Village Drive
<b>City:</b>	Davie, FL 33317	<b>City:</b>	Davie, FL 33317
<b>Phone:</b>	(954) 797-5060	<b>Phone:</b>	(954) 797-5060

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**BACKGROUND INFORMATION**

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**Application History:** No deferrals have been requested.

**Application Request:** Petitioner is requesting to amend the restrictive note on the "Heritage Building" plat from

"This plat was approved for development under the De Minimus exception of Chapter 5, Article IX, of the Broward County Code of Ordinances. Such approval requires that a building permit for a principal building shall be issued on or before the 16<sup>th</sup> day of November, 2002, which date is three years from the date of approval of the plat by the Broward County Board of County Commissioners. In the event no building permit is issued by the above date, the

county's finding of adequacy of the regional road network shall expire and no building permit shall be issued.

This plat is restricted to 3,500 square feet of office use on lot 1 and one single family dwelling unit on lot 2."

To:

"This plat is restricted to 3,500 square feet of office use on lot 1 and one single family dwelling unit on lot 2."

**Address/Location:** 5220 Davie Road/ Generally located on the east side of Davie Road approximately 1500 feet north of Stirling Road.

**Future Land Use Plan Designation:** Residential (5 DU/AC)

**Zoning:** RO, Residential Office District

**Existing Use:** Vacant

**Proposed Use:** 3,500 square feet of office use on lot 1 and a single family dwelling unit on lot 2

**Parcel Size:** 1.403 acres (61,114 square feet)

**Surrounding Uses:**

**North:** Residential and Vacant

**South:** Vacant (FPL Power Lines)

**East:** Special Residential Facility (Victoria Villas)

**West:** Vacant (FPL)

**Land Use Plan Designation:**

Residential (5 DU/AC)

Residential (5 DU/AC)

Residential (1 DU/AC)

Residential (5 DU/AC)

**Surrounding Zoning:**

**North:** RO, Residential Office District and A-1, Agricultural District

**South:** A-1, Agricultural District

**East:** CF, Community Facilities District

**West:** A-1, Agricultural District

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## ZONING HISTORY

**Related Zoning History:** This parcel was rezoned by Ordinance No. 97-52, approved by Town Council on September 3, 1997. The parcel was rezoned from Agricultural (A-1) to Residential/Office (RO). The Town applied commercial flexibility, as provided for by Article 2.5 of the Administrative Rules Document of the Broward County Land Use Plan, to allow for office use in conjunction with residential uses on the Heritage Building plat.

**Previous Request on same property:** Town Council approved the Heritage Building plat (P 9-1-98) on August 4, 1999 by Resolution R-99-254. The plat was recorded in Plat Book 169, Pages 69-70 of the Broward County Records Division.

A Delegation Request (DG 4-4-00) to amend the non-vehicular access line on the Heritage Building plat was passed by Town Council by R-2000-117 on May 17, 2000.

A site plan for the Heritage Building (SP 7-4-00) was approved by Town Council on September 20, 2000.

On September 20, 2000, Town Council heard the matter of V 7-1-00, a variance to **1)** reduce the required side setback within the RO (Residential/Office) District from 20 feet to 10 feet along the south property line, **2)** reduce the required perimeter landscape buffer from 10 feet to 1 foot along the south property line, and, **3)** reduce the required perimeter landscape buffer along the north property line from 10 feet to 5 feet. This petition was approved subject to the petitioner constructing the building as shown on the site plan.

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## APPLICATION DETAILS

Petitioner is requesting to amend the restrictive note on the "Heritage Building" plat. The amendment will delete the original Section 2, dealing with the County's De Minimus exception for road concurrency, from the original restrictive note.

**Current Plat Note:** "2) This plat was approved for development under the De Minimus exception of Chapter 5, Article IX, of the Broward County Code of Ordinances. Such approval requires that a building permit for a principal building shall be issued on or before the 16<sup>th</sup> day of November, 2002, which date is three years from the date of approval of the plat by the Broward County Board of County Commissioners. In the event no building permit is issued by the above date, the county's finding of adequacy of the regional road network shall expire and no building permit shall be issued.

3) This plat is restricted to 3,500 square feet of office use on lot 1 and one single family dwelling unit on lot 2."

**Proposed Plat Note:** This plat is restricted to 3,500 square feet of office use on lot 1 and a single family dwelling unit on lot 2.

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## Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires Delegation Requests for plat note revisions.

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## Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**Broward County Land Development Code:** The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:** The proposed plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

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### **Staff Analysis/Findings of Fact**

The applicant is requesting to delete the original Section 2, dealing with the County's De Minimus exception for road concurrency, from the original restrictive note.

The applicant is requesting this amendment due to delays by the Town and the County which hampered the applicant's ability to receive a building permit. Subsequently, the concurrency finding expired on November 16, 2002, the expiration date of the De Minimus exception for road concurrency. On October 17, 2001 Broward County Board of County Commissioners approved ordinance Ord-2001-52, effectively erasing the De Minimus exception from the Broward County Code of Ordinances. The applicant wishes to delete the language concerning the De Minimus exception from the restrictive note on the Heritage Building Plat. By deleting the De Minimus exception language, the petitioner will have until November 16, 2004 to receive a building permit for a principal building (five years from the date of approval) and will also have to submit to the County for regional road concurrency.

Currently, both the petitioner's plat and site plan have expired. Deleting the De Minimus exception language will reinstate the plat with Broward County. Staff met with the petitioner/owner and she agreed with Staff's assessment that she will need to resubmit the site plan for Town Council's approval.

It is Staff's understanding that Broward County has no objection to the requested amendment. Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

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### **Staff Recommendation**

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

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### **Exhibits**

1. Justification letter
2. Plat
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed

by:

